

Remarks

Status of application

Claims 1-47, having been finally rejected, were on appeal. Applicant is grateful for the Examiner's reconsideration of the prior art and withdrawal of the Final Rejection. The claims now stand rejection based on new art. The claims have been amended to further clarify Applicant's invention. Reexamination and reconsideration are respectfully requested.

The invention

For a brief statement of Applicant's invention, please refer to the last-filed Appeal Brief.

Prior art rejections

A. Section 103(a): Teal and Ablay

Claims 1-47 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Teal, et al. (US 7,398,389, "Teal") in view of Ablay, et al. (US 6,002,941, "Ablay"). For the reasons stated below, Applicant's claimed invention may be distinguished over the combined references.

Although Applicant questions whether the combined references really teach Applicant's prior claims, Applicant has nevertheless amended all independent claims (and certain dependent claims) to refocus the claim language on the crux of Applicant's invention, that is, controlling an unauthorized application's ability to gain **indirect access** to the Internet or other computer networks. As noted in Applicant's Specification, a malicious application is able to gain indirect Internet access by nefarious means: masquerading its activities by going through an operating system service or other application authorized for Internet access. This leads to a security breach that is undetectable by prior art security systems. Those systems simply see the (direct) Internet access by the operating system or authorized application. They fail to look behind the scene to see that this (direct) Internet access by the operating system or authorized application is in fact at the behest of an unauthorized application -- one that is obtaining indirect Internet access by using the operating system or authorized application as a

proxy or surrogate for network access.

All independent claims have been amended to highlight the foregoing points of distinction. For example, independent claim 1 now includes the claim limitation of:

determining if the attempt to invoke the particular system service
**constitutes an attempt by an unauthorized application to obtain
indirect access** to the computer network by invoking the particular system
service which in turn accesses the computer network on behalf of the
unauthorized application;

(Emphasis added.)

This claim language is directed to detecting and thwarting an unauthorized application's attempt at gaining network access through indirect means, using operating system services (e.g., DNS service). As another example, independent claim 25 now includes claim limitations of:

registering a first application **to be protected from serving as a
proxy by which other applications may gain indirect Internet access**;
detecting an attempt to access the first application for purposes of
using the first application as a proxy for indirect Internet access;

(Emphasis added.)

Again, the claim language is directed to detecting and thwarting an unauthorized application's attempt at gaining network access (e.g., Internet access) through indirect means.

The combined references of Teal and Ablay have no teaching or other relevant disclosure related to controlling indirect access to a computer network or the Internet by a rogue application. In fact, neither reference discusses the issue or recognizes that it may even be a problem. Moreover, Teal (the base reference relevant to security art) is

directed to "keeping out" unauthorized programs (i.e., keeping unauthorized programs off the computer and out of the operating system). In the scenario addressed by Applicant's claimed invention, unauthorized programs are in fact already resident on the computer, but thanks to Applicant's invention their ability to carry out harmful or illegal activity (e.g., transmit credit card information to third-party hackers) is eliminated.

It is respectfully requested that the Examiner carefully consider what is really going on between the respective systems. Teal's system is addressed at monitoring/blocking access to operating system services so as to prevent the installation or insertion of malware. In the case of Applicant's security system (commercial product of ZoneAlarm™ Security Suite), however, it is assumed that unauthorized programs are in fact already installed and running on the user's computer -- the simple reality of personal computer usage today is that users will invariably end up downloading or installing at least some malware on their computers. Therefore, the problem that really needs to be addressed is not how to prevent installation of malware (Teal's approach) but how to render malware ineffective once it is installed (Applicant's approach). Ablay for its part appears largely unrelated (if not irrelevant) to personal computer security systems such as Teal's security system or Applicant's security system. To the extent that the Examiner believed Applicant's prior claims were so broad as to read on unrelated art such as Ablay, it is submitted that the amended claims cannot be interpreted with such breath.

All told, Applicant's claims set forth a patentable advance in the area of controlling network access of potentially "bad" applications or processes that may compromise computer security through indirect access means. In view of the clarifying amendments and remarks made herein, it is respectfully submitted that the claims distinguish over the combined references and any rejection under Section 103 is overcome.

Any dependent claims not explicitly discussed are believed to be allowable by virtue of dependency from Applicant's independent claims, as discussed in detail above.

Conclusion

In view of the foregoing remarks and the amendment to the claims, it is believed that all claims are now in condition for allowance. Hence, it is respectfully requested that the application be passed to issue at an early date.

If for any reason the Examiner feels that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at 408 884 1507.

Respectfully submitted,

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